

No. 2114-4Lab-76/10030.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Sharco Industries (P) Ltd., Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 67 of 1972

between

SHRI JAINTRI, WORKMAN AND THE MANAGEMENT OF M/S SHARCO INDUSTRIES (P)
LTD., FARIDABAD

AWARD

By order No. ID/FD/72/40668, dated 23rd November, 1972, the Governor of Haryana, referred the following dispute between the management of M/s Sharco Industries (P) Ltd., Faridabad and its workman Shri Jaintri to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Jaintri was justified and in order? If not, to what relief is he entitled?

The parties put in their appearance in this Tribunal in response to the usual notices of reference sent to them and filed their pleadings.

The workman alleged,— *vide* statement of claim that he joined service of the management on 6th October, 1971 on wages of Rs 103 p.m. on a probation for a period of six months and that despite his satisfactory work during this period, his probation period was extended to further three months expiring on 5th July, 1972 and that his services were terminated with effect from 12th July, 1972 illegally by the management without holding an enquiry.

The management while admitting the employment of the workman on probation for a period of six months with effect from 6th October, 1971 pleaded that his wages were Rs 101 p.m. and not Rs 103 p.m. They further resisted the claim of the workman on the ground that his work during the probation period of six months and further extended period of three months was found to be unsatisfactory with the result that this services came to an end on 6th July, 1972.

An issue in terms of the dispute as stated above was framed on please of the parties.

The management examined Shri D. V. Singh their Manager as M.W. 1. He corroborated the case as put forth by the management while stating that the work of Jaintri was found to be unsatisfactory during the probation period of six months and further extended period of three months. He brought on record the confidential report dated 3rd April, 1972, Ex. M-2 made by the management relating to the work of the workman during the probation period of six months and report Ex. M-4 relating to the work of the workman during the extended period of three months. Both these reports were in respect of the unsatisfactory nature of work of the workman. The letter Ex. M-5, dated 22nd June, 1972 related to an intimation given to the workman by the management in respect of his unsatisfactory work and termination of his services with effect from 5th July, 1972 on that ground. Shri D. V. Singh proved this letter and the confidential report as correct. Nothing could be brought in cross-examination of Shri Singh leading me to suspect his evidence. He categorically denied the suggestion made by the workman that the later continued working in the factory after 5th July, 1972.

The workman did not appear in this Tribunal on 26th September, 1975 despite being duly served with the notice of this hearing with the result that the *ex parte* proceedings were taken up against him on that date and the case of the management and the evidence of their witness Shri D. V. Singh remained unrebutted. I under the circumstances see no reason to disbelieve the statement of Shri D. V. Singh M. W. 1 and fully relying on the same hold that the services of the workman were terminated by the management bona fide on finding his work to be unsatisfactory during the probationary period and that he is not entitled to any relief. I decide the issue in favour of the management.

I accordingly answer the reference while returning the award in terms of the findings made by me.

Dated the 13th February, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 285, dated 20th February, 1976.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

Dated the 20th February, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.